



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 4, 2006

The Honorable David P. Currier, Chairman
Resources, Recreation, and Development Committee
Room 305, LOB
Concord, NH 03301

RE: SB 386 - Relative to Large Groundwater Withdrawals

Dear Representative Currier:

Thank you for the opportunity to comment on SB 386. This bill would establish the impact criteria, most of which is now contained in administrative rules, that is the basis for establishing if a large groundwater withdrawal permit should be issued or rescinded by the New Hampshire Department of Environmental Services (DES). It also would clarify the area of concern for impacts associated with a large groundwater withdrawal and for municipal involvement in the permitting process. Finally, SB 386 would provide potentially affected municipalities with intervener status and adds an appeal to superior court to the current appeal process for large groundwater withdrawal permitting. DES supports SB 386 and would like to provide the following information concerning this legislation.

In 1998, a law was passed which requires all large groundwater withdrawals to obtain a permit from the New Hampshire Department of Environmental Services to ensure that surrounding water resources and water users are protected from any impact the withdrawal could cause. In 2001, administrative rules Env-Ws 387 and 388 were adopted and since that time 12 large groundwater withdrawals have been permitted. Both the law and the rules were developed with significant input from stakeholders including water suppliers, commercial water users, environmental groups, the municipal association and others. It should be noted that New Hampshire's Large Groundwater Withdrawal Permitting Program is among the most comprehensive and stringent of any in the nation. Through this legislation and other activities, we continue to improve upon a program that is already of high quality and sophistication at the national level.

SB 386 clarifies the current groundwater permitting process by putting into statute a number of definitions and criteria that are now contained in administrative rules (Env-Ws 387 and Env-Ws 388). For instance, the impact criteria, now contained in the rules, which are the basis for establishing if a large groundwater withdrawal should be issued or rescinded, will now be in statute. The criteria were established with a large group of stakeholders and have been used in all the large groundwater withdrawal permits issued to date. By placing the criteria in statute, DES would be provided with clear legislative direction on what must be considered in order to preserve the public trust.

As another important benefit, SB 386 will clarify the area around a large groundwater withdrawal that should be considered in determining impacts and involving municipalities. This is consistent with the current rules and ensures that all surrounding water resources and water users that are likely to be impacted by a large groundwater withdrawal will be protected.

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In summary, DES supports SB 386 and believes it will improve the current large groundwater withdrawal permitting process.

Thank you again for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Sarah Pillsbury at 271-1168 or me at 271-3449.

Sincerely,

Michael P. Nolin, Asst. Comm.
for Michael P. Nolin
Commissioner

cc: Senator Green
Senator Burling
Senator Barnes
Senator Estabrook